

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 26, 2005

IN RE:

BELLSOUTH TARIFF FILING TO INTRODUCE
TRANSIT TRAFFIC SERVICE, TARIFF NO. 04-01259

)
)
)
)

DOCKET NO.
04-00380

ORDER GRANTING REQUEST TO HOLD PROCEEDINGS IN ABEYANCE

This matter is before the Hearing Officer upon the *Parties' Request to Hold Proceedings in Abeyance* ("Abeyance Request") filed August 12, 2005 by BellSouth Telecommunications, Inc. ("BellSouth") and the Tennessee Independent Rural Coalition (the "Coalition" or "ICOs") (together, the "Parties"). The Parties report they "have reached an agreement to hold this matter in abeyance pending the resolution of the ICO's planned appeal of certain aspects of the ICO CMRS Arbitration Order."¹

RELATIONSHIP TO ARBITRATION DOCKET

The ICO/CMRS Arbitration is before the Tennessee Regulatory Authority ("Authority" or "TRA") in Docket No. 03-00585, *In re: Petition for Arbitration of Cellco Partnership d/b/a Verizon Wireless* ("Arbitration Docket"). As set forth in the Parties' *Abeyance Request*, the issues in this docket are similar to the issues before the Authority in the *Arbitration Docket*. The Parties report that the ICOs have questions regarding the arbitration order in the *Arbitration Docket* and plan to seek judicial review.²

¹ *Parties' Request to Hold Proceedings in Abeyance*, p. 1 (August 12, 2005).

² *Id.*

TRANSIT TRAFFIC TARIFF COLLECTIONS DURING ABEYANCE

The Parties have agreed that BellSouth will cease collections for transit charges from the Coalition while this docket is held in abeyance and until this docket is reactivated. BellSouth may continue to hold the amounts it already has collected for transit charges to date. The Parties agree that a true up shall be undertaken at the conclusion of this matter, under the supervision of the TRA, and shall include all amounts back to the effective date of the tariff including the amounts being held by BellSouth.

PETITION FOR LEAVE TO INTERVENE OF VERIZON WIRELESS

On August 8, 2005, Cellco Partnership d/b/a Verizon Wireless ("Verizon") filed the *Petition for Leave to Intervene of Verizon Wireless* ("*Petition to Intervene*"). Verizon asserts that it is a Commercial Mobile Radio Service provider and that the subject matter of this proceeding may directly affect its operations in Tennessee.

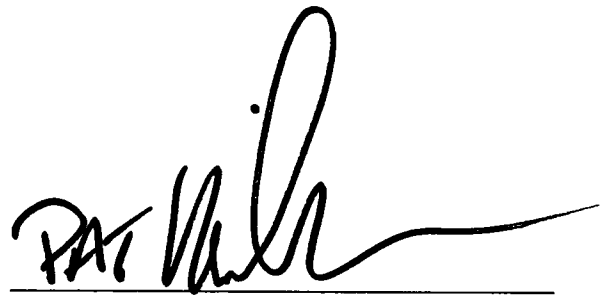
FINDINGS AND CONCLUSIONS

The Parties agree to hold this matter in abeyance, as reflected in the joint *Abeyance Request*. They also have agreed to interim arrangements for tariff collections. Without commenting on whether the ICOs may seek judicial review of the arbitration order in the *Arbitration Docket*, the Hearing Officer finds that good cause exists to hold this matter in abeyance pending a request from the Coalition or BellSouth to reactivate the docket.

The Hearing Officer further finds that the intervention requested by Verizon will be unnecessary while the docket is held in abeyance. The Hearing Officer will consider Verizon's *Petition to Intervene* when this matter is reactivated.

IT IS THEREFORE ORDERED THAT:

1. This docket shall be held in abeyance until BellSouth or the Coalition requests that the Authority reactivate the docket.
2. BellSouth shall not collect transit traffic charges from the ICOs while this docket is held in abeyance. BellSouth shall continue to hold the amounts it already has collected to date. At the conclusion of this matter, the Parties shall undertake a true up under the supervision of the TRA, including all amounts back to the original date of the tariff.
3. The *Petition for Leave to Intervene of Verizon Wireless* shall be considered when this docket is reactivated.

A handwritten signature in black ink, appearing to read 'Pat Miller', with a long horizontal flourish extending to the right.

Pat Miller, Director
As Hearing Officer